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May 30, 2003

BY HAND

Mary L. Cottrell, Secretary
Massachusetts Department of Telecommunications and Energy
One South Station
Boston, MA 02110

Re: Fitchburg Gas and Electric Light Company, D.T.E. 03-9

Dear Ms. Cottrell:

On behalf of Fitchburg Gas and Electric Light Company ("FG&E"), enclosed for filing with the Department of Telecommunications and Energy in the above-referenced proceeding, please find an original and nine (9) copies of FG&E's Motion for Protective Order. This motion seeks protection from public disclosure of certain confidential information provided in response to DTE 2-2 being filed today under separate cover. The Attorney General does not assent to FG&E's motion.

Very truly yours,


Meabh Purcell

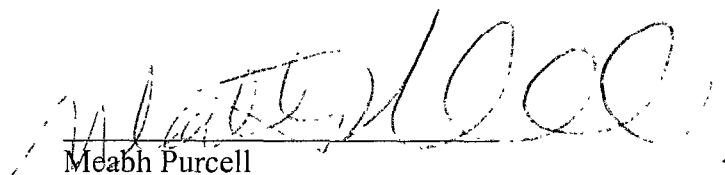
Enclosure

cc: Service List
B88701

CERTIFICATION

I certify that I have served on each of the individuals on the service list on file with the Secretary of the Department of Telecommunications and Energy a copy of Fitchburg Gas and Electric Company's Motion for Protective Order.

Dated at Boston, Massachusetts, this 30th day of May, 2003.



Meabh Purcell

SERVICE LIST
D.T.E. 03-09

Mary Cottrell, Secretary
Massachusetts Department of
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Boston, MA 02114

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

FITCHBURG GAS AND ELECTRIC
LIGHT COMPANY

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D.T.E. 03-9

**MOTION OF FITCHBURG GAS AND ELECTRIC LIGHT COMPANY
FOR PROTECTIVE ORDER**

NOW COMES Fitchburg Gas and Electric Light company ("Fitchburg or the
"Company") and hereby requests that the Department of Telecommunications and Energy (the
"Department") grant protection from public disclosure of certain confidential, competitively
sensitive and proprietary information submitted in this proceeding in accordance with G.L. c. 25,
§5D. In support of its Motion, the Company states:

1. Fitchburg is filing with this Motion its confidential and proprietary response to
DTE 2-2 (requesting information about FG&E's 2002 default service solicitation).
2. G.L. c.25, § 5D is specifically designed to protect against disclosure of
competitively sensitive information. That provision, in part, provides:

[T]he department may protect from public disclosure, trade secrets,
confidential, competitively sensitive or other proprietary
information provided in the course of proceedings conducted
pursuant to this chapter. There shall be a presumption that the
information and the burden shall be upon the proponent of such
protection to prove the need for such protection. Where such a
need has been found to exist, the department shall protect only so
much of the information as is necessary to meet such need.

G.L. c. 25, §D.

In determining the existence and extent of such a need, the Department must consider the presumption in favor of disclosure and the specific reasons why disclosure of the disputed information benefits the public interest. Fitchburg Gas and Electric Light Company, D.P.U. 97-5A, p.4 (1997), *citing* Berkshire Gas Co., D.P.U. 93-187/188/189/190, p. 16 (1994). The utility must show need by a specific factual demonstration. Id. A mere assertion that a particular document is "competitively sensitive" or otherwise confidential is insufficient to meet that burden of proof. Id.

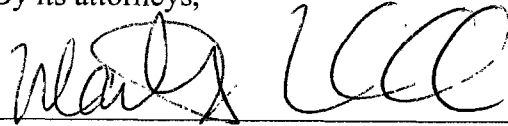
3. The Department has previously granted protected orders to protect confidential financial information from public disclosure. See Fitchburg Gas and Electric Light Company, D.P.U. 95-75, p. 2 (1995) (protected confidential marginal cost information which reflected company's commercially sensitive market transactions in order to maintain Fitchburg's competitive position). Also, the Department has granted protective treatment of pricing information in order to avoid alerting power suppliers to a company's strategy, which can weaken the company's bargaining position in negotiating future supply contracts. See Fitchburg Gas and Electric Light Co., D.P.U. 97-5A, pp. 3 and 6 (1997); see also Colonial Gas Co., D.P.U. 96-18, p.4 (1996).

4. Request DTE 2-2 requests copies of FG&E's filing with the Department of its 2002 default service solicitation. The supplier key information in this filing should be protected from public disclosure because the number and identity of bidders in FG&E's competitive solicitations constitute proprietary business information. Revealing this information could detrimentally affect future FG&E auctions and solicitations by discouraging participation by bidders who generally seek to have their identities and contents of their bids held confidential so as not to reveal to other competitors their proposed prices and terms and other strategies.

WHEREFORE, Fitchburg respectfully requests that the Department grant its Motion for Protective Order as stated herein, and protect from public disclosure any information or materials which may be produced through discovery, which contain confidential, competitively sensitive or proprietary information.

Respectfully submitted,
**FITCHBURG GAS AND ELECTRIC
LIGHT COMPANY**

By its attorneys,

Two handwritten signatures are present. The first signature, on the left, is written in dark ink and appears to be 'Scott J. Mueller'. The second signature, on the right, is written in a lighter, more stylized script and appears to be 'Meabh Purcell'. Both signatures are written over a horizontal line.

: Scott J. Mueller

Meabh Purcell

LeBoeuf, Lamb, Greene & MacRae, L.L.P.

260 Franklin Street

Boston, MA 02110

617-439-9500 (tel.)

617-439-0341 (fax)

Dated: May 30, 2003

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